

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Next Insurance US Company

v.

Case No. 24-cv-17-SE-TSM

Scott Courtemarche, et al

ORDER

No objection having been filed, the court herewith approves in part the Report and Recommendation of Magistrate Judge Talesha L. Saint-Marc dated February 14, 2025 (doc. no. 23). For the reasons stated in the R&R, the court approves the portion of the R&R recommending that the court declare that Next Insurance US Company ("Next Insurance") has no duty to defend or indemnify Courtemarche or Scoco Family Home Builders, LLC (collectively, the "Scoco Defendants") under the Commercial General Liability Policy (the "CGL Policy") in the underlying state court lawsuit filed by the Halcarzes. However, the court does not approve the portion of the R&R recommending that the court declare that Next Insurance has no duty to defend or indemnify the Scoco Defendants in that suit under the Contractors Errors and Omissions Coverage endorsement (the "E&O Endorsement").

The court grants in part the plaintiff's motion for declaratory judgment (Doc. No. 21) to the extent that it requests that the court declare that the lawsuit does not trigger coverage under the CGL Policy. The court denies without prejudice the plaintiff's motion for declaratory judgment to the extent that it requests that the court declare that the lawsuit does not trigger coverage under the E&O Endorsement.

The case manager shall schedule a status conference.

  
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Samantha D. Elliott  
United States District Judge

Date: March 26, 2025

cc: Counsel of Record